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REMARKS

The present amendment is in response to the Official Action dated February 1, 2006, made final, where the Examiner continues to reject pending claims 1, 3, 4, 6, 7, 11-13, 15, 16, 18, 19 and 23-30, as being unpatentable over Nahumi, US Patent No. 5,699,478, in view of one or more of Zingher, US Patent No. 6,092,039, de Souza et al., US Patent No. 5,884,261, and Yeldener et al., US Patent No. 5,774,837. The Applicants note with appreciation, that the Examiner's continues to indicate that claims 9, 10, 21 and 22 contain allowable subject matter, and are only objected to, to the extent that they are dependent upon a rejected base claim.

While the Examiner has attempted to suggest that claims 1, 3, 4, 6, 7, 11-13, 15, 16, 18, 19 and 23-30, are unpatentable over Nahumi, '478, in view of one or more of Zingher, '039, and de Souza et al., '261, contrary to the assertions of the Examiner, irrespective of whether one skilled in the art would have been motivated to combine the references as suggested by the Examiner, even if one were to attempt to combine the references, the combination of references would still fail to make known each and every feature of the claims. More specifically, neither Nahumi, '478, nor any of the other cited references minimally makes known or obvious the replacement of one or more speech recognition parameters in the identified group of vectors (i.e. vectors which have undergone a transmission error, wherein the replacement parameter comes from a received vector without error, where the speech recognition parameters are arranged in vectors corresponding to a particular sampling time-frame. While the Examiner in responding to the applicants' prior response appears to appreciate the alleged distinction, the Examiner disagreed as to whether the distinction was necessitated by the then current claim language. Consequently, the applicant's have amended the claims in an attempt to make the same more clear. While the applicants' believe that the argued distinction was reasonable in view of the prior language, they also acknowledge the possibility for alternative interpretation, when viewed with a material different mindset. The applicants further acknowledge an opportunity to be even more clear. Hence, the present amendments.

In Nahumi, '478, the parameters, which are utilized for replacement involves redundant information, which is transmitted as an additional parameter in a frame subsequent to the missing frame (col. 6, lines 64-66). In other words, the frames include parameters, which correspond to more than one sampling time-frames. Or stated another way, in Nahumi, '478, the replacement

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parameters, do not come from a preceding and/or following vector without error, which would correspond to a preceding and/or following sampling time frame. Consequently, at least with respect to claims 1, 3, 4, 6, 7, 11-13, 15, 16, 18, 19 and 23-26, Nahumi, '478, minimally can not be said to make known or obvious at least this feature, and therefore can not be said to make known or obvious the claims as presently pending.

Furthermore, it is not clear that it would be obvious to combine the teachings of the two references, as suggested, where Zingher, '039, is expressly concerned with the communication of speech information, in the form of a narrow-band channel (i.e. expressly avoiding the use of a wide-bandwidth speech signal). In such an instance, it is doubtful one skilled in the art would have been motivated to have combined such a reference, with a reference that teaches the inclusion of redundant information, as provided by Nahumi, '478. The incorporation of redundant information appears to be directly at odds with a movement away from a communication of a wide-bandwidth signal (abstract, lines 14-15), and towards a more narrow band compatible representation. Presumably, any modification which would involve greater amounts of data as a result of incorporating additional redundancy, would result in a requirement for greater bandwidth to communicate the same information, which is contrary to the goal of Zingher et al., '039, as evidenced by the abstract. Consequently, contrary to the Examiner's assertions, a motivation to combine can not be established simply by an assertion that the two references are directed to analogous art, where the teachings of at least one of the references appears to counsel against such a combination. While Zingher et al., '039, may not directly teach against the use of redundant information, Zingher et al., '039, does express a desire for speech communication via a narrow bandwidth channel, which is contrary to the inclusion of additional redundant information.

The applicants would further note, that it is not the applicants responsibility to show a teaching against a combination, but that it is the Examiner's responsibility to show a teaching or suggestion for the specific combination, which existed in the prior art. The general assertions of desire suggested by the Examiner for the purpose of an aggregation of features constitutes an after the fact suggestion that post dates the filing of the present application. This is in addition to the resulting frustration of the noted purpose of at least one of the references, which would counsel against such a combination. It is specifically noted, that all of the presently articulated

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rejections currently rely upon such a combination, and therefore the appropriateness of the present rejections have not yet been established.

The applicants would contend, that the claims are allowable over the prior art of record for the reasons noted. The applicants would request that the Examiner reconsider and reexamine the claims in view of the above noted reasons. Allowance of the application is respectfully requested.

In the event, that there are any remaining unresolved issues precluding the issuance of the present application after consideration of the present response, before issuing a further rejection, the Examiner is respectfully requested to contact the applicants' agent at the below listed number to discuss the same.

Respectfully submitted,

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